

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

DAVID HALL

PLAINTIFF

AND

GREAT AMERICAN ALLIANCE INSURANCE COMPANY

MOVANT

VERSUS

CIVIL ACTION NO. 5:18-cv-120-DCB-MTP

PAPER CONVERTING MACHINE COMPANY

DEFENDANT

ORDER GRANTING MOTION TO INTERVENE

THIS MATTER is before the Court on Great American Alliance Insurance Company's Motion [16] to Intervene. Having considered the Motion and the applicable law, the Court finds that the Motion [16] should be granted.

Great American Alliance Insurance Company ("Movant") represents that as a result of Plaintiff's injury, which is the basis for this lawsuit, it has paid indemnity benefits to Plaintiff in the amount of \$60,232.87 and paid for medical services rendered to Plaintiff in the amount of \$245,540.99. Movant seeks, under Miss. Code Ann. § 71-3-71, to be reimbursed for these costs out of any monies Plaintiff recovers from this lawsuit.

Movant requests leave to intervene in this matter under Federal Rule of Civil Procedure 24(a) to assert its claim. Rule 24(a) allows parties to intervene as of right. The Fifth Circuit has held that "where the state workmen's compensation law permits subrogation of a compensation carrier, the carrier is entitled to intervene as a matter of right." *Smith Petroleum Service, Inc. v. Monsanto Chemical Co.*, 420 F.2d 1103, 1115 (5th Cir. 1970). Movant is entitled to intervene in this matter and Plaintiff and Defendant have not responded to the Motion [16].

IT IS, THEREFORE, ORDERED that the Motion [16] to Intervene is GRANTED.

Movant shall file its Complaint on or before April 12, 2019.

SO ORDERED, this the 4th day of April, 2019.

s/Michael T. Parker

United States Magistrate Judge